

honor, my wife Barbara and I share our condolences with Cindy McCain and Senator McCain's entire family. Senator McCain sacrificed so much of himself for his country, and we are grateful for his lifetime of service.

NOMINATION OF BRETT KAVANAUGH

Mr. GRASSLEY. Mr. President, I rise on another matter that I have addressed the Senate on quite frequently lately, and that is about Judge Brett Kavanaugh.

One week from today, Brett Kavanaugh will appear before the Senate Judiciary Committee for the first day of his confirmation hearing. After reviewing Judge Kavanaugh's very extensive record, I am convinced he is perhaps the most qualified person ever nominated to the Supreme Court.

Some of my colleagues on the other side, including all of the Democratic members of the Judiciary Committee, have asked that I delay Judge Kavanaugh's hearing. They have asked me to delay the hearing because of legal issues surrounding some of President Trump's former associates. It is absolutely not clear to me what one has to do with the other. But this is, by my account, at least the third strategy Democratic leaders have used to try to delay Judge Kavanaugh's hearing.

Liberal outside groups, if you recall, announced their opposition to every one of the 25 potential nominees before the President made his decision. Those 25 potential nominees were, for the most part, given to the people of the country probably 6 months before the President's election. No other President has told you the types of people he was going to put on the Supreme Court and given you those examples. Some Democrats joined these outside liberal groups, and many others announced their opposition immediately after the nomination.

The minority leader, before he even had a chance to meet with Judge Kavanaugh or review Judge Kavanaugh's record, said that he would fight the nomination with everything he has.

Democratic leaders' first strategy was to try to argue that the Biden rule, which bars the confirmation of Supreme Court Justices in a Presidential election year, also applies during midterm election years. This was a strange argument to make given that many of those Senators argued in 2016 that the Biden rule didn't even exist for Presidential elections.

Fact checkers and outside observers widely rejected their argument. The historical record was clear: The Biden rule has never applied during midterm election years.

The second strategy Democratic leaders pursued was to attempt to bury the Judiciary Committee in irrelevant paperwork—mountains of it. I have discussed the issue at length previously, so I will only give you a bottom line.

The bottom line is, we have received more pages of documents from Judge Kavanaugh's time as an executive branch lawyer than we did from any previous Supreme Court nominee. In fact, we have already received over 430,000 pages of Judge Kavanaugh's executive branch legal records, which is nearly as many as the last 5 nominees combined. This is on top of the 307 opinions he wrote and hundreds more he joined as a judge on the DC Circuit over the past 12 years. The public already has access right now to every one of those more than 10,000 pages of judicial writings, as well as the nearly 18,000 pages we received in connection with his judicial questionnaire. Those were supplemental to the 110 pages he filled out in the questionnaire. By the way, that happens to be the most robust questionnaire ever issued to a Supreme Court nominee.

Democratic leaders now are asking me to delay Judge Kavanaugh's hearing because of some of the President's former associates' legal troubles, but this is just another obvious and opportunistic attempt to push the confirmation process past the midterm elections. After all, both Justice Ruth Bader Ginsburg and Justice Stephen Breyer were confirmed while President Clinton was personally under investigation for the Whitewater controversy. In fact, Justice Breyer was confirmed while President Clinton's personal documents were under grand jury subpoena. Moreover, between June 1993 and February 1999—a period during which President Clinton faced significant legal jeopardy—the Senate confirmed 248 district judges and 50 circuit judges for lifetime appointments.

It is clear that the Democratic leaders' latest attempt to delay the confirmation is unsupported by law or history.

Another reason Democratic leaders have focused on these issues is to divert attention from the great record and abilities of Judge Kavanaugh. They know that Judge Kavanaugh is exactly the type of Justice the American people want because that is what the Constitution calls for—somebody to interpret the law, not to be a superlegislator.

Judge Kavanaugh has served for 12 years on the DC Circuit Court of Appeals—a court many consider to be the second most powerful court in our country. During that time, he authored more than 300 opinions and joined hundreds more. The Supreme Court has in at least a dozen separate cases adopted legal positions advanced by Judge Kavanaugh in his opinions. Historians of the Supreme Court would say that is a very impressive record.

Judge Kavanaugh has demonstrated that he understands the proper role of a judge. I also would say he sees himself as a judge and not a superlegislator. In numerous opinions and in speeches and publications, Judge Kavanaugh has eloquently expressed that judges must find and apply the

law as it is written, not how they wish the law were written. If they followed how they wish the law were written, that would fall into a category where I would say a Judge becomes a superlegislator.

Judge Kavanaugh recently said this on that point: "When courts apply doctrines that allow them to rewrite the laws (in effect), they are encroaching on the legislature's Article I power."

If you ever wonder why judges shouldn't be superlegislators, that is because they have lifetime appointments. If you don't like what they do, you can't vote them out of office; whereas if the legislating is done by the Congress of the United States and you don't like the laws the Congress passes, you can vote those Members of Congress out of office.

Judge Kavanaugh has also argued that judges must apply the same approach to all cases. He said this: "Like cases should be treated alike by judges of all ideological and philosophical stripes, regardless of the subject matter and regardless of the identity of the parties to that case." Judge Kavanaugh's judicial record reveals that he follows his own advice. He decided cases based on his understanding of law as written, not his own personal policy preferences or who the litigant is.

In addition to his impeccable qualifications and record of achievement, Judge Kavanaugh has shown a dedication to public service, mentorship, and diversity. He spent all but 3 years of his legal career in public service. He volunteers his time to coach both his daughters' youth basketball teams, and he serves meals to the homeless with Catholic Charities. Judge Kavanaugh is a proven mentor to law students and young lawyers. Judge Kavanaugh has taught courses at Harvard Law School on separation of powers and the modern Supreme Court since 2008.

The Senate Judiciary Committee received a letter in support of his confirmation from his former students. They wrote this:

We . . . represent a broad spectrum of political and ideological beliefs, as well as perspectives on judicial philosophy. We may have differing views on political issues surrounding the confirmation process, but we all agree on one thing: Judge Kavanaugh is a rigorous thinker, a devoted teacher, and a gracious person.

But this letter goes on with other things that are important about Judge Kavanaugh, so I quote again:

Both inside and outside the courtroom, Judge Kavanaugh evinced a genuine warmth and interest in his students and their careers. . . . He was exceptionally generous with his time, making himself available to meet with students not only to discuss the class, but also to assist with their scholarly writings or to offer career advice. In many instances, he has continued to provide advice and support long after the class ended by writing letters of recommendation and serving as a valued mentor. In our view, his genuine interest in helping young lawyers demonstrates a deep commitment to the legal community as a whole.

That is from students of his of differing political views.

Federal judges also play an important role in mentoring the next generation of lawyers. They typically hire four new law clerks each year to help them research and decide cases. A law clerk is like a judge's right arm. A judge's law clerks know the judge better than anyone else. Day in and day out, law clerks work closely with a judge in chambers every day on complex legal issues.

Judge Kavanaugh has clearly taken seriously his mentorship role with his clerks. His former law clerks submitted a letter to this committee strongly supporting his confirmation. They wrote:

It was a tremendous stroke of luck to work for and be mentored by a person of his strength of character, generosity of spirit, intellectual capacity, and unwavering care for his family, friends, colleagues, and us, his law clerks. . . . He is unfailingly warm and gracious with his colleagues no matter how strongly they disagree about a case, and he is well-liked and respected by judges and lawyers across the ideological spectrum as a result. . . . He always makes time for us, his law clerks. He makes it to every wedding, answers every career question, and gives unflinchingly honest advice. That advice often boils down to the same habits we saw him practice in the chambers every day: Shoot straight, be careful and brave, work as hard as you possibly can, and then work a little harder.

That is from his law clerks.

One of the areas where Judge Kavanaugh has had a particular impact is his commitment to diversity. More than half of his law clerks have been female. Indeed, during one year, all four of his law clerks were female, which was a first for the DC Circuit.

Judge Kavanaugh's female law clerks sent the committee a letter. These law clerks wrote:

We know all too well that women in the workplace still face challenges, inequality, and even harassment. Among other things, women do not enjoy a representative share of prestigious clerkships or high-profile legal positions, but this committee and the American public more broadly should be aware of the important work Judge Kavanaugh has done to remedy those disparities. In our view, the Judge has been one of the strongest advocates in the Federal judiciary for women lawyers.

Additionally, Judge Kavanaugh has a track record of recruiting and hiring diverse law clerks from the best law schools. It is clear that he cares about expanding opportunities to unrepresented groups in the law. The legal profession should be open to anyone, regardless of where they grew up or where their parents emigrated from. Judge Kavanaugh's clerks reflect this important principle.

In sum, Democratic leaders committed 1 month ago to oppose Judge Kavanaugh's confirmation. They have thrown a lot against the wall to try to delay his confirmation, but none of it sticks. Judge Kavanaugh will have his hearing next week, and I am looking forward to it.

Based upon my review of Judge Kavanaugh's extensive record, it ap-

pears that he is extremely qualified to sit on the Supreme Court. He understands the proper role of a judge in our constitutional system, and he has devoted time to serving his community and improving the legal profession.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Alaska.

REMEMBERING JOHN MCCAIN

Mr. SULLIVAN. Mr. President, I am standing at a different desk this evening to give my remarks because I want to be actually behind this desk in front of me, which is Senator McCain's desk draped in black, with beautiful flowers, signifying the loss that we are all feeling here in the U.S. Senate.

As we have heard from so many in this Chamber all week—this evening in particular—Senator John McCain's passing represents an incalculable loss not only to his family, his dear wife Cindy, his friends, and a legion of admirers across the world, but also to his colleagues here in the U.S. Senate—Democrats and Republicans—and to the institution of the Senate itself, where he served as a model of honor and integrity and character for 31 years.

There are so many people who served with him much longer and knew him much better than I did. I have been watching the speeches, the wonderful, passionate, and emotional words from my colleagues like Senator GRAHAM—LINDSEY GRAHAM—his best friend here in the Senate this afternoon; Senator WHITEHOUSE, a good friend of Senator McCain's, a good friend of mine whom I met through many trips with Senator McCain; Leader MCCONNELL; Senator SASSE—so many have been coming to the floor.

The tributes on the Senate floor and in the newspapers across the country have been inspiring, and they have been true, talking about a man of courage, a steadfast patriot, an American hero, a warrior of indomitable spirit, who not only believed in American exceptionalism but inspired millions of Americans and millions of people across the globe to believe in it as well.

As I have watched and listened, sometimes I have started to wonder what more there is to add—there has been a lot said—especially from a freshman Senator who hadn't served with John nearly as long as most in this august Chamber. But if Senator John McCain taught us anything, it was to speak when you feel compelled to speak, and when it comes to him, I certainly feel compelled to speak, particularly as a newer Member of this body who thought the world of this man and learned so much from him.

John McCain was a leader. There is no arguing about that. One of the qualities of leadership that is so important and sometimes gets overlooked and that was a huge quality of this great Senator was his ability to focus on and give his time and willingness to mentor newer Members of the Senate.

If you look at the arc of his three decades of service in the U.S. Senate, one thing he always took the time to do was to take newer Members under his wing, show them the ropes, travel with them, teach them, coach them. Of course, this takes time, effort, energy, and initiative. We are all busy here in the U.S. Senate, but this was and is a truly important hallmark of the McCain legacy—critical—and it is a bipartisan legacy.

Just look at the Senators who have come to the floor to speak about Senator McCain. Look at some of the newer Senators who have come to the floor: Senators WHITEHOUSE, KLOBUCHAR, ERNST, SASSE, and GRAHAM, of course—so many who had that privilege, the great privilege, of having John McCain actually take an interest in them and spend his precious time and energy on their well-being and careers in the Senate.

One of the true honors of my life was having John McCain as a friend and a mentor in the Senate. At the time this was happening, I didn't always think about it too much, but now, as we look at his desk, I am so grateful that I had these experiences.

Like most things with John McCain, it wasn't a subtle experience. In fact, a lot of the time I didn't feel I had a choice in the matter. My first month in the Senate, in January 2015, like a lot of the new Senators, I was pretty clueless here, quite clueless—rules, faces, names, votes. This lion of the Senate, John McCain, pulled me aside on the floor of the Senate on two different times in the first month I was a Senator.

On one occasion, he was talking about an institution that really mattered to him—the U.S. Naval Academy. He said to me: Dan, do you know what? Under Federal law, the chairman of the Armed Services Committee—which he was—sits on the boards of all the service academies, or his designee. He asked me if I was interested in sitting on the Board of Visitors for the Naval Academy. This was from John McCain, who went to the Naval Academy. His dad went to the Naval Academy, and his grandfather went to the Naval Academy. The name McCain and the Naval Academy are almost synonymous. He is going to be buried there, in fact.

I looked at the Senator, and I said "Yes, sir."

Another time, in the Armed Services Committee, he mentioned to me that he had always taken a very strong interest in the Asia-Pacific and our force posture out there, what was happening in places like Okinawa, and he wanted the newer Members of the Senate to be part of it. Reaching out to new Senators—I want you to do this. I am going to travel the region, and I want you to come with me. I mean, it was unbelievable. And I said "Yes, sir" to that.

Like so many here who have talked about it, we went to these places. Just